

REMARKS

Applicants have amended Claims 13-18.

Applicant respectfully traverses the present election restriction requirement. Examiner has stated that, Invention I (Claims 1-18) and Invention II (Claims 19-20) are distinct. Under MPEP §806.05(h) the inventions are distinct if: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process.

Examiner has argued that “[i]n the instant case, the rack could be used to support virtually any article(s) other than wires.”

Applicants first note that the possibility that another article, other than cables or wiring, could be supported in the cable management flip tray fails to satisfy the requirement that the “product as claimed can be used in a materially different process.” More specifically, the rack system of claims 1-12 (and the flip tray assembly of claim 16) include limitations provided specifically for the management of cables (e.g. the retainer elements). As such any process that utilizes the products of Invention I will not be materially different from the process of Invention II.

Applicants further note that MPEP §806.05(h) requires the Examiner to provide an example of the other articles that might be supported in the cable management flip trays of the present claimed embodiments. Applicants respectfully request that if Examiner maintains the election restriction requirement that such proposed examples be provided and documented with specificity.

For the reasons above, Applicants request reconsideration and withdrawal of the election/restriction requirement. In the event that the election restriction is withdrawn, Applicants request that Claims 19-20 not be cancelled.

In the event that Examiner maintains the election restriction requirement, Applicants elect Claims 1-18. The remaining Claims 19-20 are withdrawn from the above-identified patent application without prejudice or disclaimer and are subject to the filing of a divisional application.

CONCLUSION

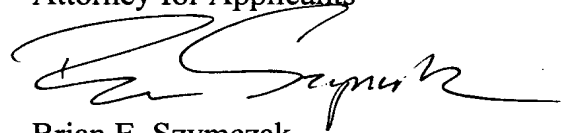
Applicants have now made an earnest effort to place this case in condition for examination. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

Applicants believe no fees are due, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0383 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorney for Applicants



Brian E. Szymczak
Reg. No. 47,120

SEND CORRESPONDENCE TO:
At Customer No. **23640**

512.322.2548
512.322.8383 (fax)

Date: 7/26/05